

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

County Cooperation with Whistle Blower Commission

**Policy
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A-122

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Purpose

To provide direction to County departments and staff on their responsibility to cooperate with Whistle Blower Commission investigations.

Background

Section 310 et seq. of the San Diego County Administrative Code established the Whistle Blower Commission (Commission). The Commission is an official body responsible to investigate and advise the Board of Supervisors and Chief Administrative Officer on allegations of improper county government activities. Reprisals against employees who file complaints under the Whistle Blower Administrative Code section are prohibited. Any employee or applicant for County employment has the right to file a complaint. If the Commission investigates a complaint, a report is filed with the Board of Supervisors and the Chief Administrative Officer.

Policy

1. When the Commission determines that a complaint of alleged improper government activities is timely, within its jurisdiction and satisfies the provisions of Section 315 of the San Diego County Administrative Code, the Commission must provide a copy of the complaint to the director of the department which is the subject of the alleged improper government activity. Section 316 of the Administrative Code prohibits reprisals against any County officer, employee or applicant who files a complaint. The provisions of this Section shall be strictly adhered to by the department head and communicated to all pertinent parties within the department.
2. Department heads will fully cooperate with the Commission on the investigation of complaints, and on those complaints amenable to resolution without a full investigation. Pursuant to Administrative Code Section 317(h) it is encouraged that the department head contact the Commission investigator and, if possible, attempt to resolve the complaint without the necessity of an investigation.
3. Unless otherwise restricted by State, Federal or County laws, the Commission investigator shall be provided access to all relevant documents, files, and records necessary for the full investigation of the complaint as required by Administrative Code Section 317(e).

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4.If the complainant demonstrates in the complaint that he/she was pursuing administrative remedies from the point in time he/she had knowledge of the alleged improper County government activity, the 60 day timeline will be extended for the time the complainant was actually pursuing administrative remedies.

5.Jurisdictional issues identified by department heads shall be brought to the attention of the Commission for consideration and possible resolution. This should be communicated immediately to the Commission in writing and the department representative should appear at the Commission meeting when it first considers the complaint and prior to assigning an investigator.

6.The Board of Supervisors will commend county employees whose complaints to the Commission have resulted in findings of improper government activities.

Sunset Date

This policy will be reviewed for continuance on 12/31/01

Board Action

3/14/95 (4)